Remarks

Applicants respectfully request reconsideration in view of the foregoing amendments and

the following remarks. Claims 17-22 and 37-45 are pending. Claims 46-53 are new. The

original specification contains support for new claims 46 and 50 at, for example, page 11, lines

11-16. The original specification contains support for new claims 47 and 51 at, for example,

page 4, lines 23-26. The original specification contains support for new claims 48 and 52 at, for

example, page 2, lines 18-21. The original specification contains support for new claims 49 and

53 at, for example, page 12, line 21 – page 13, line 7. With entry of this amendment, claims 17-

22 and 37-56 are in the application.

Rejections under 35 U.S.C. § 103(a) over Aravamudan and Barsness

Claims 17-22 and 41-45 stand rejected under 35 U.S.C. § 103(a) over U.S. Pat. No.

6,301,609 to Aravamudan et al. (Aravamudan) in view of U. S. Pat. App. Pub. 2004/0117443 to

Barsness (Barsness). Applicant respectfully traverses this rejection.

Independent Claim 17

Independent claim 17 is directed, in part, toward:

> A messaging method, comprising . . .
> evaluating application presence data associated with a recipient activity status record
> for an initiated application associated with the selected message type; and
> processing the message based on the evaluation,
> wherein the status record is modified as a result of querying to determine *if the*
> *application has been recently accessed.*

No combination of Aravamudan and Barsness teaches or suggests such a method. As the

Action notes at page 2, Aravamudan fails to teach "wherein the status record is modified as a

result of querying to determine if the application has been recently accessed." However,

Barsness does not overcome the deficiencies of Aravamudan. For example, Barsness does not

teach or suggest modifying a status record "as a result of querying to determine if the *application*

has been recently accessed." The Action states that this feature is described by paragraphs 46

and 47 of Barsness. Barsness describes an instant messaging profile 407:

> Activity flag 512 is a flag indicating whether instant messaging application 405 should *infer availability from recent user input*, i.e., input occurring within a time period prescribed by activity timeout period field 521. ... Inactivity flag 515 is a flag indicating whether instant messaging application 405 should *infer unavailability from lack of recent user input*, i.e., lack of input occurring within a time period prescribed by inactivity timeout period field 522.

See paragraph 46 (emphasis added). Barsness further explains:

> If activity flag 512 is set, messaging application 405 makes a standard call to operating system 401 *to determine whether there has been any recent user activity such as keyboard input, mouse input, etc* (step 805). Specifically, messaging application 405 determines *whether there has been any user input within the time period specified by activity timeout field 521* of profile 407.

See paragraph 54 (emphasis added). Thus, Barsness describes a system that monitors for *generic*

input activity, but is silent as to determining if an *application* has been *recently accessed.* For at

least these reasons, Barsness and Aravamudan do not, alone or in combination, teach or suggest

the method of claim 17. Claim 17 and dependent claims 18-22 and 41-43 are therefore allowable

over Barsness and Aravamudan. The rejection should be withdrawn, and such action is

respectfully requested.

Independent Claim 44

Claim 44 is directed toward:

> A messaging method, comprising:
> selecting a message type . . .
> evaluating application presence data associated with a recipient activity status record for an application . . . and
> processing the message based on the evaluation,
> wherein the status record is modified without initiating the application.

Aravamudan and Barsness do not, alone or in combination, teach or suggest such a method. For example, as the Action notes at page 4, "Aravamudan fails to teach wherein the status record is modified without initiating the application," and Barsness does not overcome the deficiencies of Aravamudan. Barsness is silent as to modifying a status record without initiating the application. Barsness describes a system where a messaging application can "access calendar application 410 via an API" in order to infer user availability, but it is clear that calendar information is accessed *through* the calendar application 410:

> . . . instant messaging application 405 *calls calendar application 410* [and] uses the API to obtain calendar information, which is used to infer user availability.

See paragraph 44 (emphasis added). As another example:

> If there is a calendar application specified, messaging application 405 *calls the calendar application 410*, passing the calendar filename specified in filename field 503 of profile 407, to obtain calendar data *from the calendar application* (step 824).

See paragraph 56 (emphasis added). See also claims 3 and 10.

Therefore, the system of Barsness calls a calendar application to obtain calendar data and does not modify a status record "without initiating the application." For at least these reasons, claim 44 is allowable over Aravamudan and Barsness. Applicant respectfully requests withdrawal of the rejection.

Independent Claim 45

Claim 45 is directed toward:

> A messaging method, comprising:
> selecting a message type . . .
> evaluating application presence data associated with a recipient activity status record for an initiated application . . . and
> processing the message based on the evaluation,
> wherein the status record is modified as a result of querying to determine if the application has been recently initiated.

Aravamudan and Barsness do not, alone or in combination, teach or suggest such a method. For example, as the Action notes at page 4, "Aravamudan fails to teach wherein the status record is modified as a result of querying to determine if the application has been recently initiated," and Barsness does not overcome the deficiencies of Aravamudan. Barsness is silent as to a status record being "modified as a result of querying to determine if the application has been recently initiated." Instead, as noted above with respect to claim 17, Barsness merely describes a system that may infer user availability based on recent input.

For at least these reasons, claim 45 is allowable over Aravamudan and Barsness. Applicant respectfully requests withdrawal of the rejection.

Rejections under 35 U.S.C. § 103(a) over Aravamudan, Barsness and Maurine

Claims 37-40 stand rejected under 35 U.S.C. § 103(a) over Aravamudan in view of Barsness and U.S. Pat. No. 6,484,196 to Maurille (Maurille). Applicant respectfully traverses this rejection.

Claims 37-40 depend from claim 17. As explained above, claim 17 is allowable over Aravamudan and Barsness. Maurille does not remedy the deficiencies of Aravamudan and Barsness, and thus claim 17 is allowable over an Aravamudan-Barsness-Maurille combination, and claims 37-40 are likewise allowable over these references. Application respectfully requests withdrawal of the rejection.
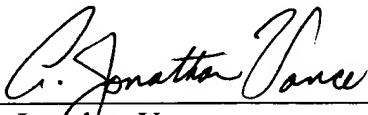
Conclusion

In view of the preceding amendments and remarks, all pending claims are in condition for allowance, and action to such end is requested. Should any issues remain, the Examiner is requested to call the undersigned attorney.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By _____
A. Jonathan Vance
Registration No. 56,258